



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

May 17, 2023

Via Electronic Filing

Hon. Gabriel W. Gorenstein, U.S.M.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

Re: In re: New York City Policing During Summer 2020 Demonstrations,
1:20-CV-8924 (CM) (GWG) — This Letter Relates to All Cases

Dear Judge Gorenstein,

I write on behalf of the non-stayed Plaintiffs in the consolidated case above. This is a joint letter between Plaintiffs and the non-intervenor Defendants, aimed at cooperatively moving towards a resolution on certain disputes over documents Defendants have either (1) reviewed and withheld as non-responsive (the “NR Documents”) or (2) used their AI methodology to place below the threshold at which review stopped (meaning the AI reviewed them, but no attorney or other human did) (the “Null Set Documents”).

The parties are meeting and conferring about what review (if any) Defendants will agree to undertake to remedy what Plaintiffs perceive as deficiencies in Defendants’ initial review process. As set out elsewhere on the docket, Defendants produced randomized samples (with privilege withholdings/redactions) of documents from both the NR and the Null Set Documents, collected from Office of the Mayor and NYPD custodians. In the course of those conferences, Plaintiffs have identified a number of documents they believe are responsive to their discovery requests. Defendants disagree about a significant number of those calls.

The parties write to respectfully request the Court hold a conference and resolve disputes on a subset of documents to serve as guideposts on responsiveness. The parties believe this approach will avoid lengthy briefing, and the Court can ask any questions it has at the conference. In furtherance thereof, there is a chart appended to this letter that identifies the documents Plaintiffs have selected as such guideposts, as well as providing the parties’ positions on those documents. Defendants will submit copies of these documents without redactions in camera to allow the Court to review the full documents.

The parties would then respectfully ask that the Court call a conference where it can ask any questions it may have, and ultimately make up-or-down rulings on whether the documents are responsive and should have been produced — and those rulings will inform the rest of the meet and confer process.

Once again, we thank the Court for its continued time and attention.

Sincerely,

/s/ Lois Saldana

Lois Saldana, Assistant Attorney General
State of New York
Office of the Attorney General
Lois.Saldana@ag.ny.gov | (212) 416-8860

CC: All relevant parties by electronic filing.